IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7953 of 2007()

(CRIME NO.392/07 OF NADAKKAVU POLICE STATION, KOZHIKODE)

PETITIONERS:ACCUSED:

1. **DEVADAS THAYYIL, AGED 74 YEARS, NEAR BHAYAMKAVU, NELLIKKODU, KOZHIKODE.**

2. **ESTHER LILLY, W/O.DEVADAS THAYYIL, AGED 69 YEARS, BHAYAMKAVU, NELLIKKODU P.O., KOZHIKODE.**

BY ADV. SRI.VELLAYANI SUNDARARAJU
SMT.P.MEENAKUMARI

RESPONDENT:STATE:

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

V.K.MOHANAN, J.

Bail Application No.7953 of 2007

Dated this the 24th day of December,2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners who are the accused in Crime No.392/07 of Nadakkavu Police Station for an offence punishable under Sections 354, 406, 498A and 323 I.P.C., seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the allegations levelled against the petitioners and the other circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

5. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN, JUDGE

csl